

## REMARKS

Claims 1-70, 81-83, 95, 98-101 are cancelled. Claims 71-80, 84-85, 87-94, 96-97 are currently amended. Claim 86 was previously presented. New claims 102-108 are added. As a result, claims 71-80, 84-94, 96-97, and 102-108 remain pending in the application.

### Rejection of Claims 71, 87, and 91 under 35 USC §102(b)

Independent Claims 71, 87, and 91 stand rejected under 35 U.S.C. §102 as being anticipated by U.S. Patent Number 5,304,214 (DeFord).

Claim 71 has been amended to specify “a plurality of implantable medical devices that are each of a different type ... and ... a standalone implantable power module configured to power each of the medical devices.” Claims 87 and 91 are amended so as to contain similar limitations.

“To anticipate a claim, the reference must teach every element of the claim.” See MPEP §2131. Accordingly, DeFord must teach different types of medical devices powered by an implantable power module. DeFord teaches an internal control unit for powering a probe. However, DeFord does not teach using the internal control unit to power other types of medical devices. As a result, DeFord does not teach each element of claims 71, 87, and 91 are not anticipated.

### Rejection of Claim 84 under 35 USC §102(b)

Independent Claim 84 stands rejected under 35 U.S.C. §102 as being anticipated by U.S. Patent Number 5,304,214 (DeFord).

Independent Claim 84 specifies “a sealed biocompatible case containing components consisting essentially of at least one electrochemical energy storage device; a communication couple; and a power management circuit. MPEP §2111.03 provides that the “phrase ‘consisting essentially of’ limits the scope of a claim to the specified materials or steps ‘and those that do not materially affect the basic and novel characteristic(s).’

To anticipate a claim, the reference must teach every element of the claim.” See MPEP §2131. When this requirement is considered in view of the phrase consisting

essentially of, DeFord must not teach a case that contains additional components that materially alter the basic and novel characteristic(s) of the claimed case.

DeFord teaches an internal control unit for powering a probe. The DeFord control unit includes components for controlling the operation of the probe. For instance, the control unit includes components for controlling temperature, heater elements and sensors in the probe (C8, L26-45; C9, L 7-10; C10, L 48 to C11, L 7; C15, L16-20; etc). Because the case of claim 84 does not include components for controlling the operation of the medical device, DeFord does not teach a case containing components consisting essentially of at least one electrochemical energy storage device; a communication couple; and a power management circuit. As a result, DeFord does not teach each element of claim 84 and does not anticipate claim 84.

#### Rejection of Claim 96 under 35 USC §102(b)

Independent Claim 96 stands rejected under 35 U.S.C. §103 as being obvious over U.S. Patent Number 5,304,214 (DeFord).

Independent Claim 96 specifies that “the module is directly connectable to each medical device.” Paragraph [0029] of the specification distinguishes this direct connection from a remote connection between the medical device.”

To establish a *prima facie* case of obviousness ... “the prior art references (or references when combined) must teach or suggest all the claim limitations.” MPEP §2142. Accordingly, DeFord must teach or suggest directly connecting the module to a medical device. However, DeFord teaches a “cable 14 is connected between the probe 12 and the internal control unit 16” but does not teach or suggest a direct connection between the probe and the control unit. Accordingly, DeFord does not teach or suggest each of the claimed elements and does not anticipate claim 96.

#### Rejection of Claims 72-80, 85-86, 88-90, 92-94, 97, and 102-108

Claims 72-80, 85-86, 88-90, 92-94, 97, and 102-108 are each rejected in view of DeFord. Because Claims 72-80, 85-86, 88-90, 92-94, 97, and 102-108 depend from Independent Claim 71, 84, 87 or 91 and because Independent Claims 71, 84, 87 or 91 are

believed to be in condition for allowance, 72-80, 85-86, 88-90, 92-94, 97, and 102-108 are believed to be in condition for allowance.

## CONCLUSION

In light of the new Claims presented above, Applicants believe they are entitled to a letters patent. The Examiner is encouraged to telephone the undersigned with any questions.

Respectfully submitted



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